

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND APPARATUS FOR AUTOMATED BIOPSY AND COLLECTION OF SOFT TISSUE

the specification of which was filed on March 24, 1994, as Application Serial No. 08/217,246.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(c).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Fred H. Burbank

Inventor's signature: Fred H. Burbank Date: 4/20/94

Residence: 30982 Steeplechase Drive, San Juan Capistrano, CA 92675

Citizenship: U.S.A.

Post Office Address: 30982 Steeplechase Drive, San Juan Capistrano, CA 92675

Full name of second inventor: Thomas J. Fogarty

Inventor's signature: Thomas J. Fogarty

Date: April 22, 1994

Residence: 5660 Alpine Road, Portola Valley, CA 94028

Citizenship: U.S.A.

Post Office Address: 5660 Alpine Road, Portola Valley, CA 94028

Full name of third inventor: Wayne E. Manska

Inventor's signature: Wayne E. Manska

Date: 4/20/94

Residence: 1921 Kellogg Drive, Anaheim, CA 92807

Citizenship: U.S.A.

Post Office Address: 1921 Kellogg Drive, Anaheim, CA 92807

Full name of fourth inventor: Mark A. Ritchart

Inventor's signature: Mark A. Ritchart

Date: 4/20/94

Residence: 41045 Willowbend Drive, Murrieta, CA 92563

Citizenship: U.S.A.

Post Office Address: 41045 Willowbend Drive, Murrieta, CA 92563

Full name of fifth inventor: Timothy J. Ryan

Inventor's signature: Timothy J. Ryan

Date: 7/10/94

Residence: 16984 Frank Avenue, Los Gatos, CA 95032

Citizenship: U.S.A.

Post Office Address: 16984 Frank Avenue, Los Gatos, CA 95032

Full name of sixth inventor: Elias A. Zerhouni

Inventor's signature: 

Date: 8-15-94

Residence: 5 Rocklandvue Court, Baltimore, MD 21204

Citizenship: U.S.A.

Post Office Address: 5 Rocklandvue Court, Baltimore, MD 21204

Send Correspondence To:

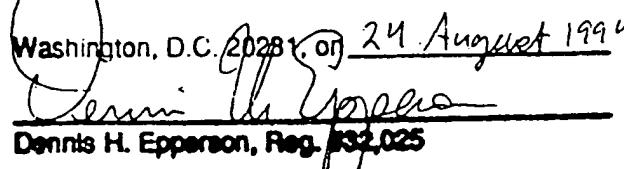
Law Offices
DENNIS H. EPPERSON
230 West Avenida Gaviota
P.O. Box 639
San Clemente, CA 92674

DHE-3904
940419/1605

Direct Telephone Calls To:

Dennis H. Epperson
Reg. No.: 32,025
Telephone: (714) 361-1948
Facsimile: (714) 361-1024

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class, mailed in an envelope addressed to:
Commissioner of Patents and Trademarks,

Washington, D.C. 20231, on 24 August 1994

Dennis H. Epperson, Reg. #32,025

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Fred H. Burbank, Thomas J. Fogarty, Wayne E. Manska,

Mark A. Ritchart, Timothy J. Ryan, Elias A. Zerhout

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other: _____

Execution Date: 11-14-97

2. Name and address of receiving party(ies)

Name: ETHICON ENDO-SURGERY

Internal Address:

Street Address:

4545 Creek Road
Cincinnati, Ohio 45245

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s): 08/567,953

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No. (s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Donald E. Stout

Internal Address:

Street Address:

Myers, Uxa & Stout

100 Pacifica, Suite 210

Irvine, CA 92618

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41).....\$ 40

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 13-5135

(Attach duplicate copy of this page if paying by deposit account)

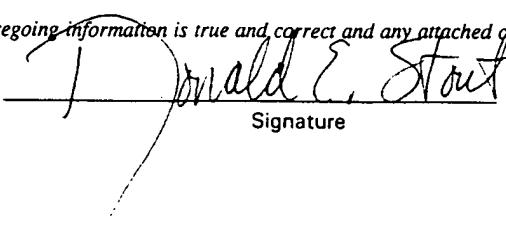
DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Donald E. Stout

Name of Person Signing


Signature

11-18-97

Date

3

Total number of pages including cover sheet, attachments and document:

WHEN RECORDED, RETURN TO:

Donald E. Stout
Myers, Uxa & Stout
100 Pacifica, Suite 210
Irvine, CA 92618

ASSIGNMENT

WHEREAS, **BIOPSYS MEDICAL, INC.**, a Corporation of the State of California and having its principal place of business at 3 Morgan, Irvine, California, 92718, hereinafter Assignor, is the owner of the entire right, title and interest in and to U.S. Application Serial Number 08/645,225 filed May 13, 1996, and any and all domestic and foreign patent applications and patents, including reissued patents, which may heretofore or hereafter arise from or be granted on the above application; and

WHEREAS, **ETHICON ENDO-SURGERY**, a Corporation of the State of Ohio, hereinafter called Assignee, having its place of business at 4545 Creek Road, Cincinnati, Ohio, 45245, is desirous of acquiring the entire right, title and interest in and to the aforesaid application.

NOW, THEREFORE, TO WHOM IT MAY CONCERN, be it known that, for and in consideration of the sum of ONE DOLLAR (\$1.00) to Assignor in hand paid by the said Assignee and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor, by these presents does sell, assign and transfer unto said Assignee, its successors, assigns and legal representatives, the full and exclusive right, title and interest for the territory of the United States of America and all countries foreign thereto (including the right to apply for Letters Patent in foreign countries in its own name and to claim any priority rights for such foreign applications to which such applications are entitled under International Conventions, treaties, or otherwise), in and to the said patents and applications, any divisionals, reissues and continuations of said patents and applications, and Assignor hereby does authorize and request the Commissioner of Patents and Trademarks to issue all Letters Patent on said patents and applications or resulting therefrom to said Assignee as assignee of the entire right, title and interest, and Assignor does covenant that it has full right so to do and agrees that it will communicate to said Assignee, and its successors, assigns and legal representatives any and all facts known to Assignor regarding said patents and applications whenever requested, and will testify in any legal proceeding, sign all lawful papers, execute all divisional, reissue and continuation applications and generally do

Docket: A-1186div
U.S. Serial Number: 08/645,225
filing date: 5-13-96

everything possible to aid said Assignee, its successors, assigns and legal representatives to obtain and enforce proper patent protection for said patents and applications in all countries.

Further, Assignor does covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed which is unknown to said Assignee has been made to others by the undersigned.

K. Galt /
Executed this 7th day of November, 1997.

ASSIGNOR - BIOPSYS MEDICAL, INC.

Kenneth Galt
Kenneth Galt -- Vice-President

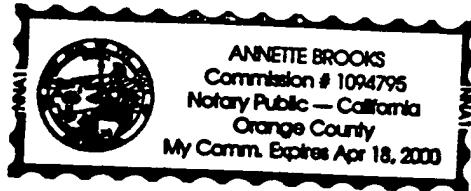
State of California /
County of Orange / ss /

On this 7th day of November, 1997
before me, Annette Brooks, personally appeared Kenneth Galt personally known to me or
proved to me on the basis of satisfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged to me that he executed the same in
his authorized capacity, and that by his signature on the instrument the person or the
entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Annette Brooks
Notary Public

SEAL





UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 09/22/94

TO:

N09B

DENNIS H. EPPERSON
230 WEST AVENIDA GAVIOTA
P.O. BOX 639
SAN CLEMENTE, CA 92674

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR: BURBANK, FRED H. DOC DATE: 04/20/94

ASSIGNOR: FOGARTY, THOMAS J. DOC DATE: 04/22/94

ASSIGNOR: MANSKA, WAYNE E. DOC DATE: 04/20/94

ASSIGNOR: RITCHART, MARK A. DOC DATE: 04/20/94

ASSIGNOR: RYAN, TIMOTHY J. DOC DATE: 07/18/94

ASSIGNOR: ZERHOUNI, ELIAS A. DOC DATE: 08/16/94

RECORDATION DATE: 08/29/94 NUMBER OF PAGES 005 REEL/FRAME 7109/0783

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:
BIOPSYS MEDICAL, INC.
27130 A PASEO ESPADA, STE. 1424
SAN JUAN CAPISTRANO, CA 92675

7109/0783 PAGE 0002

SERIAL NUMBER 8-217246 FILING DATE 03/24/94
PATENT NUMBER ISSUE DATE 00/00/00

Margaret J. Salle

EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

40-5
ORDINATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Fred H. Burbank, Thomas J. Fogarty,
Wayne E. Manska, Mark A. Ritehart, **AUG 29 1994**
Timothy J. Ryan and Elias A. Zerhouni

Additional names(s) of conveying party(ies) attached? Yes No3. Nature of conveyance: **19**

Assignment Merger
 Security Agreement Change of Name
 Other **1434**

Execution Dates: **April 20, 1994; April 22, 1994;**
July 18, 1994; and August 16, 1994

2. Name and address of receiving party(ies):

BIOPSYS MEDICAL, INC.
27130 A Paseo Espada, Suite 1424
San Juan Capistrano, California 92675

FILE COPYAdditional names(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

08/217,246

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

**Law Offices
DENNIS H. EPPERSON
230 West Avenida Gaviota
P.O. Box 639
San Clemente, California 92674**

6. Total number of applications and patents involved: **1**7. Total fee (37 CFR 3.41): \$ **40.00**

Enclosed
 Authorized to be charged to deposit account

8. Deposit account number: **05-1141**

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

120 PB 09/06/94 08217246

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91854282

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Dennis H. Epperson

Name of Person Signing

Signature

August 24, 1994

Date

REEL 7109 FRAME 783

ASSIGNMENT

WHEREAS, We, Fred H. Burbank, a citizen of the United States of America, residing at 30982 Steeplechase Drive, San Juan Capistrano, CA 92675, Thomas J. Fogarty, a citizen of the United States of America, residing at 5660 Alpine Road, Portola Valley, CA 94028, Wayne E. Manska, a citizen of the United States of America, residing at 1921 Kellogg Drive, Anaheim, CA 92807, Mark A. Ritchart, a citizen of the United States of America, residing at 41045 Willowbend Drive, Murrieta, CA 92563, Timothy J. Ryan, a citizen of the United States of America, residing at 16984 Frank Avenue, Los Gatos, CA 95032, and Elias A. Zerhouni, a citizen of the United States of America, residing at 5 Rocklandvue Court, Baltimore, MD 21204, have invented certain new and useful improvements in a "METHOD AND APPARATUS FOR AUTOMATED BIOPSY AND COLLECTION OF SOFT TISSUE" for which we have executed an application for Letters Patent in the United States, Application Serial No. 08/217,246 filed on March 24, 1994;

AND WHEREAS, BIOPSYS MEDICAL, INC., a California Corporation, with its principal place of business at 27130 A Paseo Espada, Suite 1424, San Juan Capistrano, California 92675, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) each to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said BIOPSYS MEDICAL, INC., its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said BIOPSYS MEDICAL, INC., its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said BIOPSYS MEDICAL, INC., its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said BIOPSYS MEDICAL, INC., its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20th day of April, 1994.

Fred H. Burbank
Fred H. Burbank

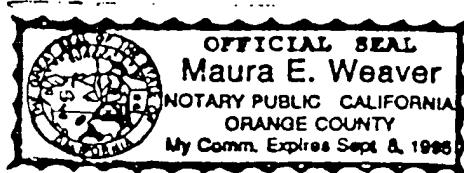
State of California

County of Orange

On this 20th day of April, 1994, before me, Maura E. Weaver, a Notary Public in and for the State and County aforesaid, personally appeared Fred H. Burbank, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal,

Maura E. Weaver
Notary Public in and for the aforesaid County and State
My Commission Expires: 9-8-95



REF ID: 109 FRAME 784

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 22 day of April, 1994.

Thomas J. Fogarty
Thomas J. Fogarty

State of California
County of San Mateo

On this 22 day of April, 1994, before me, Donna Adele Goyette, a Notary Public in and for the State and County aforesaid, personally appeared Thomas J. Fogarty, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Donna Adele Goyette
Notary Public in and for the aforesaid County and State
My Commission Expires: 5-6-94

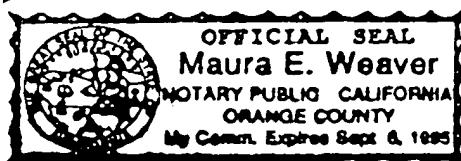
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20th day of April, 1994.

Wayne E. Manska
Wayne E. Manska

State of California
County of Orange

On this 20th day of April, 1994, before me, Maura C. Weaver, a Notary Public in and for the State and County aforesaid, personally appeared Wayne E. Manska, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal,



Maura C. Weaver
Notary Public in and for the aforesaid County and State
My Commission Expires: 1-8-95

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20th day of April, 1994.

Mark A. J. Ritchart

Mark A. Ritchart

State of California

County of Orange

On this 20th day of April, 1994, before me, Maura E. Weaver, a Notary Public in and for the State and County aforesaid, personally appeared Mark A. Ritchart, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal,

Maura E. Weaver

Notary Public in and for the aforesaid County and State
My Commission Expires: 9-8-95

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18 day of July, 1994.

TR

Timothy J. Ryan

State of California

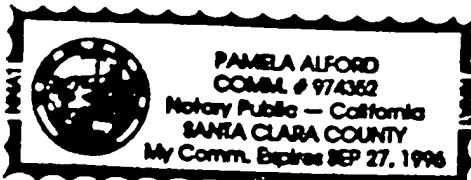
County of Santa Clara

On this 18th day of July, 1994, before me, Pamela Alford, a Notary Public in and for the State and County aforesaid, personally appeared Timothy J. Ryan, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal,

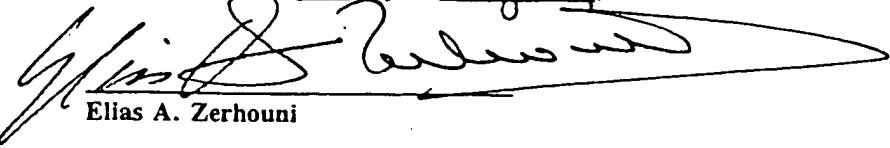
Pamela Alford

Notary Public in and for the aforesaid County and State
My Commission Expires: 09/27/96



RECEIVED / 09 FRAZER 1994

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16 day of August, 1994.

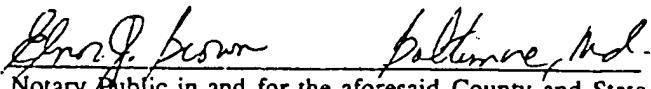

Elias A. Zerhouni

State of Maryland

County of Baltimore

On this 16 day of August, 1994, before me, Elias A. Zerhouni, a Notary Public in and for the State and County aforesaid, personally appeared Elias A. Zerhouni, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal,


Notary Public in and for the aforesaid County and State
My Commission Expires: 1-1-96

REEL 1109 FRAME 187

RECORDED
PATENT & TRADEMARK OFFICE

AUG 29 94

DHE-3937
(ASSIGN2:930707)
940419/1602